

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK**

MATTHEW BULL, Individually and on Behalf of
All Others Similarly Situated,

Plaintiff,

vs.

22ND CENTURY GROUP, INC., HENRY
SICIGNANO, III, and JOHN T.
BRODFUEHRER,

Defendants,

Case No. 1:19-cv-01285-JLS

ORAL ARGUMENT REQUESTED

**NOTICE OF DEFENDANTS' MOTION TO DISMISS
AMENDED CLASS ACTION COMPLAINT**

PLEASE TAKE NOTICE that, upon the accompanying memorandum of law, declaration, and exhibits, Defendants will move this Court, at a date and time convenient for the Court, before the Honorable John L. Sinatra, Jr., United States District Judge, at the Robert H. Jackson United States Courthouse, 2 Niagara Square, Buffalo, New York 14202, for an Order dismissing Plaintiffs' Amended Class Action Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6).

Dated: January 29, 2020

Respectfully submitted,

FOLEY & LARDNER LLP

/s/ Jonathan H. Friedman

Jonathan H. Friedman
90 Park Avenue
New York, NY 10016
Telephone: 212-338-3416
Email: jfriedman@foley.com

John A. Tucker (*pro hac vice* pending)
1 Independent Drive
Jacksonville, FL 32202
Telephone: 904-633-8924
Email: jtucker@foley.com

and

Charles C. Ritter, Jr.
DUKE, HOLZMAN, PHOTIADIS
& GRESENS LLP
701 Seneca Street, Suite 750
Buffalo, NY 14210
Telephone: (716) 855-1111
Email: critter@dhpqlaw.com

Counsel for Defendants